

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTHONY RAINS,

Plaintiff,

v.

NEWMONT USA LIMITED, a foreign
corporation,

Defendant.

Case No. 3:12-cv-00517-MMD-VPC

ORDER

The Court granted Defendant's request for attorney's fees relating to its defense of Plaintiff's tortious discharge claim. (Dkt. no. 56.) Pursuant to the Court's Order, Defendant submitted a revised declaration identifying attorney's fees incurred in the amount of \$29,866.75 representing 116.10 hours in attorney's time. (Dkt. no. 57.) Plaintiff argues that Defendant included fees unrelated to its defense of the tortious discharge claim. (Dkt. no. 58.) Plaintiff further argues that because Defendant's request exceeds the scope of the Court's Order granting fees, the Court should deny Defendant's request as sanctions. (*Id.*) In response, Defendant pointed out that while Plaintiff did not include an explicit claim for tortious discharge until his Amended Complaint, Plaintiff made allegations suggesting such a claim as early as his demand letter before initiation of this action. (Dkt. no. 60.) While Defendant's explanation supports its request for fees incurred before the filing of the Amended Complaint on November 9, 2012, the Court finds it reasonable to award fees incurred after the tortious discharge claim was asserted in the Amended Complaint.

1 The Court finds that Defendant's counsel's rates are reasonable and the hours
2 incurred in connection with the tortious discharge claim are reasonable. Plaintiff does not
3 contend otherwise. Accordingly, the Court grants Defendant's request for attorney's fees
4 incurred after November 9, 2012, relating to its defense of the tortious discharge claim.
5 The Court awards Defendant \$28,626.25 in attorney's fees. The Clerk is directed to
6 enter judgment in favor of Defendant.

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8 DATED THIS 8th day of December 2015.

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A handwritten signature in blue ink, appearing to read "Miranda M. Du", is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE